

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

MELVIN LOWE,)	
)	
Plaintiff/Petitioner,)	
)	
vs.)	CIVIL ACTION NO: 2:05-CV-495WKW
)	
MONTGOMERY COUNTY BOARD)	
OF EDUCATION; VICKIE JERNIGAN,)	
MARK LaBRANCHE, TOMMIE)	
MILLER, MARY BRIERS, DAVE)	
BORDEN, HENRY A. SPEARS and)	
BEVERLY ROSS, in their official)	
capacities as members of the)	
Montgomery County Board of Education;)	
and Dr. CARLINDA PURCELL, in her)	
official capacity as Superintendent of the)	
Montgomery County Board of)	
Education,)	
)	
Defendant/Respondent.)	

MOTION TO EXTEND TIME FOR SUMMARY JUDGMENT RESPONSE

COMES NOW, the Plaintiff Melvin Lowe, by and through counsel, and respectfully requests this Honorable Court for an order extending the time for Lowe to file a response to the Summary Judgment of Defendants from May 3, 2006 to May 5, 2006. As grounds for this motion, Plaintiff will shown unto the Court as follows:

1. Upon information and belief, Plaintiff does not believe Defendants would oppose this motion.
2. The Motion for Summary Judgment by the Plaintiffs is fairly lengthy and it involves a number of complicated legal issues.
3. The Response being put forth by Plaintiff would also be lengthy.
4. Plaintiff has worked diligently to prepare this response but needs an additional two

days to complete the response.

5. This extension would not cause any prejudice to opposing parties or substantially delay the proceedings of this case.

DONE this the 3rd day of May, 2006.

/s/ William F. Patty
WILLIAM F. PATTY (PATTW4197)
Attorney for Plaintiff Melvin Lowe

OF COUNSEL:

BEERS, ANDERSON, JACKSON,
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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Motion to Extend Time for Summary Judgment Response has been served upon all parties to this action by depositing a copy of same in the U.S. Mail, postage Pre-Paid, addressed as follows:

James R. Seale, Esq.
Hill, Hill, Carter, Franco, Cole & Black
P.O. Box 116
Montgomery, AL 36101-0116

on this the 3rd day of May, 2006.

/s/ William F. Patty
OF COUNSEL